

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

CAROL MONTGOMERY o/b/o)
KENDERICK MONTGOMERY,)
)
Plaintiff,)
)
vs.) Civil Action No. 2:07-0738-KD-B
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated February 14, 2008, recommending that plaintiff's complaint be dismissed as untimely, is **ADOPTED** as the opinion of this Court.

DONE this the 7th day of March, 2008.

s / Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE